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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Rebecca VanHattem and Genia
Castillo, individually, on behalf of
others similarly situated, and on
behalf of the general public,
Plaintiffs,
v.

United Mortgage Group, Inc.,
Parminder Johal, Peter Johal a/k/a/
Petr Johal, and DOES 1-10
inclusive,
Defendants.

CASE NO: CV-08-01065 PJH

**STIPULATION AND [proposed]
ORDER TOLLING THE STATUTE
OF LIMITATIONS FOR FLSA
CLAIMS AND CONTINUING THE
INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES**

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40 UNITED MORTGAGE GROUP, INC.,
41 PARMINDER JOHAL AND PETER JOHAL
42

1 WHEREAS, Plaintiffs Rebecca VanHattem and Genia Castillo, individually
2 and on behalf of the putative classes (collectively, "Plaintiffs"), and Defendants
3 United Mortgage Group, Inc., Parminder Johal, Peter Johal a/k/a/ Petr Johal
4 (collectively "Defendants") have agreed to engage in private mediation of this
5 matter;

6 WHEREAS, Plaintiffs have agreed to withhold their motion for conditional
7 class certification of their Fair Labor Standards Act ("FLSA") claims until after the
8 parties engage in mediation;

9 WHEREAS, Defendants have agreed to withhold their motion to dismiss the
10 FLSA claims and their motion to compel arbitration until after the parties engage in
11 mediation;

12 WHEREAS, the statute of limitations for putative class members' FLSA
13 claims continues to run until they file consent forms in this matter;

14 WHEREAS, the parties filed their ADR selection stipulation on May 15,
15 2008 agreeing that mediation will take place within 90 days of the Court's order
16 regarding the same;

17 WHEREAS, the deadline for the parties to file their/serve their Joint Rule
18 26(f) report, Case Management Statement, and initial disclosures is currently set for
19 May 29, 2008; and,

20 WHEREAS, the initial Case Management Conference is currently scheduled
21 for June 6, 2008;

22 IT IS HEREBY STIPULATED by and between the parties that the statute of
23 limitations for putative class members' FLSA claims will be tolled from May 15,
24 2008 until 7 days after the last scheduled day of mediation.

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26 ///

27 ///

28 ///

1 The parties further JOINTLY REQUEST that the Court continue the May 29,
2 2008 deadlines and the June 6, 2008 Case Management Conference for a period of
3 90 days to allow the parties to complete the mediation and potentially resolve the
4 matter without further action.

5
6 Dated: May 15, 2008

NICHOLS KASTER & ANDERSON, LLP
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9 NICHOLS KASTER & ANDERSON, PLLP
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11 BRUCKNER BURCH PLLC
Attorneys for Plaintiffs and Putative Class

12
13 DATED: May 15, 2008

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

15
16 By: s/Margaret H. Gillespie
Margaret H. Gillespie
17 Attorneys for Defendants
18 UNITED MORTGAGE GROUP, INC.,
19 PARMINDER JOHAL, and PETER JOHAL

20 **GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED.**

21 The Case Management Conference is hereby continued to September ____,
22 2008, at _____. In the event the matter is not resolved at mediation, the parties'
23 Joint Rule 26(f) report, Case Management Statement, and initial disclosures will be
24 due eight (8) calendar days before the newly scheduled Case Management
25 Conference.

26
27 Dated: _____

Honorable Phyllis J. Hamilton
United States District Court Judge